

REMARKS

This amendment is intended as a full and complete response to the Office Action mailed March 20, 2003. In the Office Action, the Examiner notes that claims 1-55 are pending, of which claims 1-55 stand rejected. By this amendment, claims 1, 2, 4, 5, 6, 7, 22, 31, 32, 39, 40, 41, 42, 48 and 50 are amended, claims 36, 37, 38, 49, 51, 52, 53, 54 and 55 are cancelled, and claims 3, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 33, 34, 35, 43, 44, 45, 46 and 47 continue unamended.

In view of both the amendments presented above and the following discussion, the applicant submits that none of the claims now pending in the application are non-enabling, anticipated, or obvious under the respective provisions of 35 U.S.C. §112, §102, and §103. Thus, the applicant believes that all of these claims are now in allowable form.

It is to be understood that the applicant, by amending the claims, does not acquiesce to the Examiner's characterizations of the art of record or to applicant's subject matter recited in the pending claims. Further, applicant is not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant responsive amendments.

A. IN THE DRAWINGS:

Applicant notes that the proposed drawing correction filed on January 9, 2003 has been accepted. Formal drawings including the accepted drawing correction are submitted herewith. Please substitute the formal drawings for the informal drawings filed with the application.

B. IN THE SPECIFICATION:

The applicant notes with appreciation that the proposed specification corrections received by the Office on January 9, 2003 have been accepted.

REJECTION OF CLAIMS UNDER 35 U.S.C. §102

The Examiner has rejected claims 1-4, 8-23, 25-34, 36-40 and 42-55 under 35 U.S.C. §102(e) as being unpatentable by U.S. Patent No. 6,108,703 to Leighton et al. ("Leighton"). Applicant respectfully traverses the rejection.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 U.S.P.Q. 193 (Fed. Cir. 1983)) (emphasis added). The Leighton reference fails to disclose each and every element of the claimed invention, as arranged in the claim.

The Leighton reference is directed to a global hosting system in which a provider framework allows a content provider to replicate and serve its most popular content via multiple points throughout the world. Specifically, the disclosed arrangement provides a set of servers operating in a distributed manner in which a computer network such as the Internet is used to distribute content via standard network-related protocols. It is noted that the global hosting system disclosed by Leighton is not directed to a multiple channel broadcast medium as disclosed by the applicant. Moreover, the Leighton arrangement is directed towards different problems than those addressed by the instant application.

The Leighton arrangement fails to disclose or suggest the invention of claim 1, as follows:

"A method for receiving data via multiple channel broadcast media, comprising:
 receiving a request for a desired data object, said desired data object being associated with a first-level name;
 obtaining any second-level names associated with said first-level name, said second-level names being associated with respective low-level data objects constituting at least a portion of said desired data object; and
 obtaining location information associated with said second-level names via a first channel, said location information identifying at least two of said multiple channels as propagating data associated with low-level data objects."

In contrast to the above-quoted claim language, the Leighton arrangement fails to disclose or suggest at least the step of "obtaining location information associated with said second-level names via a first channel, said location information identifying at least two of said multiple channels as propagating data associated with low-level data objects." The Leighton arrangement does not utilize broadcast media to propagate data associated with low-level data objects, much less multiple channels within multiple channel broadcast media to propagate such low-level data objects.

As such, the Leighton arrangement fails to disclose or suggest the invention of claim 1. Moreover, since independent claims 39, 48 and 50 include relevant limitations similar to those discussed above with respect to claim 1, it is respectfully submitted that independent claims 39, 48 and 50 are also patentable for at least the reasons discussed herein with respect to claim 1. Finally, since dependent claims 2-20 and 40-47 depend from claims 1 and 39 and recite additional limitations therefrom, it is respectfully submitted that these claims are also patentable for at least the reasons discussed above with respect to claim 1.

With respect to claim 22, it is noted that the Leighton arrangement fails to disclose or suggest the invention of claim 22 as follows:

"A method for receiving data via multiple channel broadcast media, comprising the steps of:
 receiving a request for a desired data object, said desired data object being associated with a first-level name;
 obtaining any second-level names associated with said first-level name, said second-level names being associated with respective low-level data objects constituting at least a portion of said desired data object; and
 obtaining location information associated with said second-level names via a first channel, said location information identifying at least an order of presentation of said low-level data objects during a presentation of said desired data object."

In contrast to the above-quoted claim language, the Leighton arrangement fails to disclose or suggest at least "obtaining location information associated with said second-level names via a first channel, said location information identifying at

least an order of presentation of said low-level data objects during a presentation of said desired data object." The Leighton arrangement is silent with respect to such structure.

Thus, it is respectfully submitted that claim 22 is patentable over the Leighton patent. Moreover, claims 23-30 depend from claim 22 and include additional limitations therefrom. Thus, these claims are also patentable over Leighton for the reasons discussed above with respect to claim 22.

As such, the applicant submits that claims 1-4, 8-23, 25-34, 39-40 and 42-50 are not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Claims 36-38 and 51-55 have been canceled. Therefore, the applicant respectfully requests that the rejection be withdrawn.

REJECTION OF CLAIMS UNDER 35 U.S.C. §103(a)

Claims 5-7, 24 and 41

The Examiner has rejected claims 5-7, 24 and 41 under 35 U.S.C. §103(a) as being obvious and unpatentable over Leighton in view of U.S. Patent No. 6,104,727 to Moura et al. ("Moura"). It is believed that amendments made by the applicant to claims 5, 6 and 41 render the Examiner's rejections under 35 U.S.C. §103 moot. With respect to claims 7 and 24, the applicant respectfully traverses.

Moura is directed to an asymmetric communications system having a regulated upstream channel in which forward and return channels may be operated at different speeds or under different protocols on the same or different communications media in a manner tending to utilize shared resources more efficiently.

Moura fails to bridge the substantial gap between the Leighton reference and the teachings of claim 1. Specifically, as with the Leighton reference, the Moura reference fails to disclose or suggest the step of "obtaining location information associated with said second-level names via a first channel, said location information identifying at least one of said multiple channels as propagating data associated with low-level data objects" as recited in claim 1. As with the Leighton

reference discussed above with respect to claim 1, the Moura reference also fails to disclose or suggest the claimed structure. Thus, since the Leighton and Moura references, either singly or in any permissible combination, fail to disclose or suggest the invention of claim 1, it is noted that claim 7, which depends from claim 1, is also patentable for the reasons discussed herein with respect to claim 1.

With respect to claim 24, it is noted that the Moura reference fails to bridge the substantial gap between the Leighton reference and the invention of claim 22. Specifically, the Leighton and Moura references, either singly or in any permissible combination, fail to disclose or suggest at least the step of "obtaining location information associated with said second-level names via a first channel, said location information identifying at least an order of presentation of said low-level data objects during a presentation of said desired data object" as recited in claim 22. Thus, since the cited references, either singly or in any permissible combination, fail to disclose or suggest the invention of claim 22, it is respectfully submitted that the invention of claim 24 is also patentable since claim 24 depends from claim 22.

As such, the applicant submits that claims 5-7, 24 and 41 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, the applicant respectfully requests that the rejection be withdrawn.

Claim 35

The Examiner has rejected claim 35 under 35 U.S.C. 103(a) as being unpatentable over Leighton in view of U.S. Patent No. 6,351,565 to Boon ("Boon"). Applicant respectfully traverses the rejection.

Leighton and Boon, in any permissible combination, fail to disclose or suggest the invention of claim 31 as follows:

"A method for organizing data for transmission via broadcast media, comprising:

- associating a first-level name with said data;
- organizing said data into a plurality of data objects; and
- associating each of said plurality of data objects with a second-level name, a location associated with said second level name, and a broadcast channel assignment, wherein at least two channels of said multiple channel broadcast media are assigned for use in broadcasting

said data objects."

Specifically, the cited references, either singly or in any permissible combination, fail to disclose or suggest at least the step of "associating each of said plurality of data objects with a second-level name, a location associated with said second level name, and a broadcast channel assignment, wherein at least two channels of said multiple channel broadcast media are assigned for use in broadcasting said data objects." Thus, it is respectfully submitted that claim 31 is patentable over any permissible combination of Leighton and Boon. Moreover, since claim 35 depends from claim 31 and recites additional limitations therefrom, it is respectfully submitted that claim 35 is also patentable for the reasons discussed above with respect to claim 31.

As such, the applicant submits that claim 35 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, the applicant respectfully requests that the rejection be withdrawn.


CONCLUSION

Thus, the applicant submits that claims 1-55 are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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